

**OFFICE OF THE FEDERAL DEFENDER**

**EASTERN DISTRICT OF CALIFORNIA**

**801 I STREET, 3rd FLOOR**

**SACRAMENTO, CALIFORNIA 95814**

*(916) 498-5700 Fax: (916) 498-5710*

Quin Denvir  
Federal Defender

Daniel J. Broderick  
Chief Assistant Defender

March 27, 2006

**FILED**

MAR 27 2006

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY                       
DEPUTY CLERK

Mr. Quin Denvir  
Attorney at Law  
901 F Street, #200  
Sacramento, CA 95814

Re: **Breaux v. Ornoski**  
Civ.S-93-570-DFL/DAD

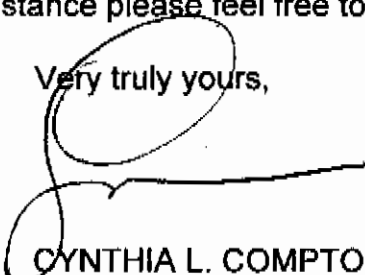
Dear Mr. Denvir:

This will confirm your appointment as counsel by the Dale A. Drozd, U.S. Magistrate Judge, to represent the above-named petitioner. You are attorney of record until such time as you are relieved or other action is taken to appoint a different attorney.

Enclosed is CJA 30 form, your Order of Appointment and Voucher for services rendered. However, this particular death penalty case has been budgeted for and thus, you must prepare your voucher on-line and submit to our office the hard copy of the voucher with the attached itemized sheets. If you have questions, please contact Sandy Andrews at the Circuit Executive Office at (415) 556-9584.

If we may be of any further assistance please feel free to call upon us at any time.

Very truly yours,

  
CYNTHIA L. COMPTON  
CJA Panel Administrator

:clc  
Enclosures

cc: Clerk's Office

1. CIR/DIST./DI. CAE		2. PERSON REPRESENTED Breux, David A.		3. DIST. DKT./DEF. NUMBER 2:93-000570-001		4. APPEALS DKT./DEF. NUMBER		5. OTHER DKT. NUMBER																																		
7. IN CASE/MATTER OF (Case Name) David A. Breux v. Caldero				8. TYPE PERSON REPRESENTED		9. REPRESENTATION TYPE Capital Habeas Corpus																																				
10. OFFENSE(S) CHARGED (Cite U.S. Code, Title & Section) If more than one offense, list (up to five) major offenses charged, according to severity of offense.																																										
11. ATTORNEY'S NAME (First Name, M.I., Last Name, including any suffix) AND MAILING ADDRESS  DENVER, QUIN A. 901 F Street SUITE 200 SACRAMENTO CA 95814  Telephone Number: (916) 444-9845				12. COURT ORDER <input checked="" type="checkbox"/> O Appointing Counsel <input type="checkbox"/> C Co-Counsel <input type="checkbox"/> F Subs For Federal Defender <input type="checkbox"/> R Subs For Retained Attorney <input type="checkbox"/> P Subs For Panel Attorney <input type="checkbox"/> Y Standby Counsel Prior Attorney's Name: _____ Appointment Date: _____ (A) Because the above-named person represented has testified under oath or has otherwise satisfied this court that he or she (1) is financially unable to employ counsel and (2) does not wish to waive counsel, and because the interests of justice so require, the attorney whose name appears in Item 11, who has been determined to possess the specific qualifications required by law, is appointed to represent this person in this case. (B) The attorney named in Item 11 is appointed to serve as: LEAD COUNSEL      CO-COUNSEL Name of Co-Counsel or Lead Counsel: _____ Appointment Date: _____ (C) If you represented the defendant or petitioner in any prior proceeding related to this matter, attach to your initial claim a listing of those proceedings and describe your role in each (e.g., lead counsel or co-counsel). (D) Due to the expected length of this case, and the anticipated hardship on counsel in undertaking representation full-time for such a period without compensation, interim payments of compensation and expenses are approved pursuant to the attached order. Signature of Presiding Judicial Officer: _____ By Order of the Court Date of Order: 02/15/2006      Nunc Pro Tunc Date: _____ (E) Repayment or partial repayment ordered from the person represented for this service at time of appointment. YES      NO																																						
13. NAME AND MAILING ADDRESS OF LAW FIRM (only provide per instructions)																																										
14. STAGE OF PROCEEDING Check the box which corresponds to the stage of the proceeding during which the work claimed at Item 15 was performed even if the work is intended to be used in connection with a later stage of the proceeding. CHECK NO MORE THAN ONE BOX. Submit a separate voucher for each stage of the proceeding.																																										
<table style="width:100%; border: none;"> <tr> <td colspan="3"><b>CAPITAL PROSECUTION</b></td> <td colspan="3"><b>HABEAS CORPUS</b></td> <td colspan="3"><b>OTHER PROCEEDING</b></td> </tr> <tr> <td>a. Pre-Trial</td> <td>e. Appeal</td> <td>g. Habeas Petition</td> <td>k. Petition for the U.S. Supreme Court</td> <td>l. Stay of Execution</td> <td></td> </tr> <tr> <td>b. Trial</td> <td>f. Petition for the U.S. Supreme Court</td> <td>h. Evidentiary Hearing</td> <td>m. Appeal of Denial of Stay</td> <td></td> <td></td> </tr> <tr> <td>c. Sentencing</td> <td>i. Writ of Certiorari</td> <td>j. Dispositive Motions</td> <td>n. Petition for Writ of Certiorari to the U.S. Supreme Court Regarding Denial of Stay</td> <td></td> <td></td> </tr> <tr> <td>d. Other Post Trial</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>										<b>CAPITAL PROSECUTION</b>			<b>HABEAS CORPUS</b>			<b>OTHER PROCEEDING</b>			a. Pre-Trial	e. Appeal	g. Habeas Petition	k. Petition for the U.S. Supreme Court	l. Stay of Execution		b. Trial	f. Petition for the U.S. Supreme Court	h. Evidentiary Hearing	m. Appeal of Denial of Stay			c. Sentencing	i. Writ of Certiorari	j. Dispositive Motions	n. Petition for Writ of Certiorari to the U.S. Supreme Court Regarding Denial of Stay			d. Other Post Trial					
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15. CATEGORIES (Attach itemization of services with dates)																																										
a. In-Court Hearings (Rate per Hour = \$ 163 )				HOURS CLAIMED		TOTAL AMOUNT CLAIMED		MATH/TECH ADJUSTED HOURS																																		
b. Interviews and Conferences with Client								IN COURT TOTAL (Category a)																																		
c. Witness Interviews																																										
d. Consultation with Investigators and Experts																																										
e. Obtaining and Reviewing the Court Record																																										
f. Obtaining and Reviewing Documents and Evidence								OUT OF COURT TOTAL (Categories b - j)																																		
g. Consulting with Expert Counsel																																										
h. Legal Research and Writing																																										
i. Travel																																										
j. Other (Specify on additional sheets)																																										
Totals: Categories b thru j (Rate per hour = \$ 163 )																																										
16. Travel Expenses (lodging, parking, meals, mileage, etc.)																																										
17. Other Expenses (other than expert, transcripts, etc.)																																										
18. CERTIFICATION OF ATTORNEY/PAYEE FOR THE PERIOD OF SERVICE FROM _____ TO _____				19. APPOINTMENT TERMINATION DATE IF OTHER THAN CASE COMPLETION				20. CASE DISPOSITION																																		
21. CLAIM STATUS Final Payment      Interim Payment Number _____      Supplemental Payment Have you previously applied to the court for compensation and/or reimbursement for this case? YES      NO If yes, were you paid? YES      NO Other than from the court, have you, or to your knowledge has anyone else, received payment (compensation or anything of value) from any other source in connection with this representation? YES      NO If yes, give details on additional sheets. I swear or affirm the truth or correctness of the above statements. Signature of Attorney: _____ Date: _____																																										
22. IN COURT COMP.		23. OUT OF COURT COMP.		24. TRAVEL EXPENSES		25. OTHER EXPENSES		26. TOTAL AMT. APPROVED																																		
27. SIGNATURE OF THE PRESIDING JUDICIAL OFFICER						DATE		27a. JUDGE CODE																																		

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**LODGED**

FEB 8 2006

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

**FILED**

FEB 16 2006

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

**ORIGINAL**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID A. BREAUX,

Petitioner,

v.

S. W. ORNOSKI, Acting Warden of  
California State Prison at San Quentin,

Respondent.

No. CIV S-93-0570 DFL DAD DP

DEATH PENALTY CASE

~~PROPOSED~~ ORDER GRANTING  
EX PARTE REQUEST FOR  
APPOINTMENT OF COUNSEL

The ex part request of Petitioner David A. BreauX for appointment of counsel is granted.  
Quin A. Denvir is hereby appointed to represent Petitioner as co-counsel in this matter, pursuant to 18 U.S.C.  
§3006A and 21 U.S.C. §848.

IT IS SO ORDERED.

DATED: February 15, 2006

*Dale A. Drozd*  
DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

DANIEL J. BRODERICK, Bar No. 89424  
Acting Federal Defender  
JOSEPH SCHLESINGER, Bar No. 87692  
Assistant Federal Defender  
801 I Street, Third Floor  
Sacramento, CA 95814  
(916) 498-6666

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID A. BREAU, X

Petitioner, X

v. X

S. W. ORNOSKI, Acting Warden of  
California State Prison at San Quentin, X

Respondent. X

No. CIV S-93-0570 DFL DAD DP

DEATH PENALTY CASE

**NOTICE OF FILING  
SEALED DOCUMENT**

(Local Rule 39-141(c))

Petitioner David A. Breau, by and through appointed counsel, is this day submitting in paper format for filing under seal, a proposed order regarding his ex parte application for appointment of counsel. Filing under seal is authorized by 18 U.S.C. §3006A and 21 U.S.C. §848.

DATED: February 2, 2006

Respectfully submitted,

DANIEL J. BRODERICK  
Acting Federal Defender

/s/ Joseph Schlesinger  
JOSEPH SCHLESINGER  
Assistant Federal Defender

Attorney for David A. Breau